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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,533

09/12/2003

John P. Panunto

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06/27/2007

EXAMINER

MARKS & CLERK

1075 NORTH SERVICE ROAD WEST

SUITE 203

OAKVILLE, ON L6M 2G2

CANADA

ART UNIT	PAPER NUMBER
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DATE MAILED: 06/27/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/660,533

Applicant(s)

PANUNTO ET AL.

Examiner

Thomas A. Morrison

Art Unit

3653


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 24 April 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

The appeal brief of 4/24/2007 does not include (1) a statement of the canceled claims; (2) a statement of the claims being appealed, which corresponds to the appendix; (3) a Summary of Claimed Subject Matter with all of the appealed independent claims including limitations mapped to the specification by paragraph number, page and line number or drawing reference characters; (4) a concise statement of each ground of rejection presented for review (i.e., the 4/24/2007 appeal brief is missing rejections that are in the 6/15/2006 Final Rejection, and the appeal brief has grounds of rejection that do not match up with the rejections of the 6/15/2006 Final Rejection); and (5) proper headings in the argument section for each ground of rejection. Thus, the 4/24/2007 appeal brief is considered to be non-compliant. Appellant should review the list above and make sure that the appeal brief complies with all of the items listed above under 37CFR 41.37. In addition, it is noted that the "Status of Amendments" section of the 4/24/2007 appeal brief presents an argument for improper rejection of entry of amendments in an Advisory Action mailed on September 29, 2006. This argument is not a matter for appeal. Rather, this is a matter that can be addressed by filing a petition.